

## Water Treatment Device Certification Law

*The Department's Water Treatment Device Certification Program was authorized by Senate Bill 2119 (Chapter 1428, Statutes of 1986). S.B. 2119 was amended during 1992 by Assembly Bill 2677 (Chapter 548, Statutes of 1992) to restrict the certification program to only those devices which are sold for residential use. The provisions established by these statutes are found in the California Health and Safety Code, commencing with Section 116825\*. Below is a copy of the relevant portion of the Health and Safety Code for your information. **The representation of the law presented here cannot be relied upon and is not binding. The official published code is the only reproduction of the law that is binding.***

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## CALIFORNIA HEALTH AND SAFETY CODE

### CHAPTER 5 WATER EQUIPMENT AND CONTROL Article 3 Water Treatment Devices

Section 116825	Definitions
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Section 116835	Certification Requirements and Exemptions
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#### **Section 116825. Definitions**

Unless the context otherwise requires, the following definitions shall govern construction of this chapter:

(a) "Water treatment device" means any point of use or point of entry instrument of contrivance sold or offered for rental or lease for residential use, and designed to be added to the plumbing system, or used without being connected to the plumbing of a water supply intended for human consumption in order to improve the water supply by any means, including, but not limited, filtration, distillation, absorption, ion exchange, reverse osmosis, or other treatment. "Water treatment device" does not include any device that is regulated pursuant to Chapter 6.

(b) "Department" means the State Department of Health Services.

(c) "Person" means any individual, firm, corporation, or association, or any employee or agent thereof.

(d) "Contaminants" means any health-related physical, chemical, biological, or radiological substance or matter in water.

Note: Reference in 116825 (a)

*Article 6.5 (Commencing with Section 26591 of Chapter 5 of Division 21) is the portion of the Sherman Food & Drug Act that covers Bottled, Vended, Hauled and Processed Water. For information about the Department's regulation of these products call Chang Lee, PhD., Food & Drug Branch, at (916) 327-8041.*

*\* In 1995 the California Legislature recodified the Health and Safety Code. As a result, the sections that authorize the Water Treatment Device Certification Program were renumbered.*

**116830. Regulations Authority**

(a) The department shall adopt regulations setting forth the criteria and procedures for certification of water treatment devices that are claimed to affect the health or safety of drinking water. The regulations shall include appropriate testing protocols and procedures to determine the performance of water treatment devices in reducing specific contaminants from public or private domestic water supplies. The regulations may adopt, by reference, the testing procedures and standards of one or more independent testing organizations if the department determines that the procedures and standards are adequate to meet the requirements of this section. The regulations may specify any testing organization which the department has designated to conduct the testing of water treatment devices.

(b) The regulations required by subdivision (a) shall include minimum standards for the following:

- (1) Performance requirements.
- (2) Types of tests to be performed.
- (3) Types of allowable materials.
- (4) Design and construction.
- (5) Instruction and information requirements, including operational, maintenance, replacement, and estimated cost of these items
- (6) Any additional requirements, not inconsistent with this chapter, as may be necessary to carry out this chapter.

(c) The department or any testing organization designated by the department pursuant to this section may agree to evaluate test data on a water treatment device offered by the manufacturer of the water treatment device, in lieu of the requirements of this section, if the department of the testing organization determines that the testing procedures and standards used to develop the data are adequate to meet the requirements of this section.

**116835. Certification requirements and Exemptions**

(a) No water treatment device which makes product performance claims or product benefit claims that the device affects health or the safety of drinking water, shall be sold or otherwise distributed which has not been certified by the department or by another entity in accordance with subdivision (b). Water treatment devices not offered for sale or distribution based on claims of improvement in the healthfulness of drinking water need not be certified pursuant to this section.

(b) The department may accept a water treatment device certification issued by an agency of another state, by an independent testing organization, or by the federal government in lieu of its own, if the department determines that certification program meets the requirements of this chapter.

(c) A water treatment device initially installed prior to the operative date of this section shall not require certification pursuant to Section 116830.

(d) Subdivisions (a), (b) and (c) shall become operative one year after the effective date of the regulations adopted pursuant to Section 116830. Regulations adopted pursuant to that section shall be transmitted to the Legislature upon adoption.

**116840. Enforcement**

(a) The department, or any local health officer with the concurrence of the department, shall enforce this chapter.

(b) The department may suspend, revoke, or deny a certificate upon its determination of either of the following:

(1) That the water treatment device does not perform in accordance with the claims made under the standard.

(2) That the manufacturer, or any employee or agent thereof, has violated this chapter, any regulation adopted pursuant to this chapter, or Chapter 1 (commencing with Section 17500) of part 3 of Division 7 of the Business and Professions Code.

(c) Any person, corporation, firm, partnership, joint stock company, or any other association or organization that violates any provision of this chapter shall be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each violation. Where the conduct constituting a violation is of a continuing nature, each day of the conduct is a separate and distinct violation. The civil penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction.

(d) If the action is brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer. If brought by a district attorney or county counsel, the entire amount of penalties collected shall be paid to the treasurer of the county in which the judgment was entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county and one-half to the city.

(e) Unless otherwise provided, the remedies or penalties provided by this chapter are cumulative to each other and to remedies or penalties available under all other laws of this state.

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*The excerpt below is from the California Code of Regulations, Title 22. Although every effort has been made to make it accurate, some errors may have crept in. Therefore, please be advised that the regulations as they were filed with the Secretary of State and the official published code is the only reproduction of the law that is binding.*

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Water Treatment Device Certification Regulations  
Excerpts from California Code of Regulations, Title 22

## **CHAPTER 4. WATER TREATMENT DEVICES**

### **ARTICLE 1. DEFINITIONS**

#### **Section 60400. Certification**

"Certification" means that a water treatment device or a treatment component used in water treatment devices has met the testing requirements specified in Section 60435 or the testing requirements accepted by the Department pursuant to Section 4057.1(c) of the Health and Safety Code as defined in Section 60440.

#### **Section 60401. Health or Safety Claim**

(a) "Health or Safety Claim" means one or more of the following:

(1) Any claim that the water treatment device or treatment component will remove or reduce a contaminant for which a primary drinking water standard as defined in Health and Safety Code Section 4010.1 or a treatment requirement as authorized in Sections 4023.1(c) and 4023.3(d) of the Health and Safety Code has been established.

(2) Any claim that the water treatment device or treatment component will remove or reduce a contaminant for which a national primary drinking water standard or treatment requirement has been established under the U. S. Safe Drinking Water Act (PL 93-523 and as amended under PL 99-339) (42 U.S.C. Section 300 g-1).

(3) Any claim that the water treatment device or treatment component will remove or reduce a contaminant which has been determined to present a health risk by the United States Environmental Protection Agency pursuant to Sections 1445(a)(2) and 1445(a)(3) of the U.S. Safe Drinking Water Act (PL 93-523 and as amended under PL 99-339) (42 U.S.C. Section 300 j-4(a)(2) and (a)(3)).

#### **Section 60402. Independent Laboratory**

"Independent Laboratory" means a laboratory that is neither owned or operated by the manufacturer or an entity which is a parent or subsidiary company to the manufacturer of a water treatment device or treatment component nor is in a partnership with the manufacturer or an entity which is a parent or subsidiary company to the manufacturer.





















